

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

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Ex parte JOSEPH R. BYRUM,  
YIJUN G. RUAN, and  
KEVIN C. WALLICK

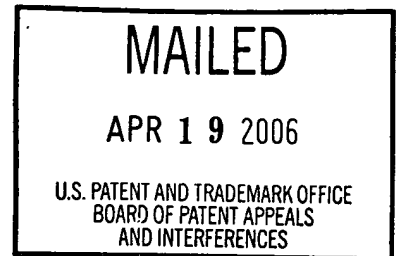
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Appeal No. 2006-0233  
Application No. 09/669,817

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ON BRIEF

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Before FLEMING, Chief Administrative Patent Judge,  
HARKCOM, Vice Chief Administrative Patent Judge, and  
ADAMS, Administrative Patent Judge.

Per curiam.

On March 29, 2006, counsel for the appellants filed a Request for Continued Examination (RCE) under 37 CFR § 1.114. Pursuant to the notice entitled "Request for Continued Examination Practice and Changes to Provisional Application Practice," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."

Accordingly, the appeal in this application is dismissed.

  
Michael R. Fleming, Chief  
Administrative Patent Judge

# BOARD OF PATENT APPEALS AND INTERFERENCES

Donald E. Adams  
Administrative Patent Judge

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